

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JIMMIE LEWIS,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1350-GMS
)	
DR. SYLVIA FOSTER, STAFF)	
MEMBERS, THE DELAWARE)	
PSYCHIATRIC CENTER and)	
MR. GREY,)	
)	
Defendants.)	

**DEFENDANT DELAWARE PSYCHIATRIC CENTER'S MOTION TO DISMISS
PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) AND 12(b)(6)**

COMES NOW, Defendant, The Delaware Psychiatric Center, by and through undersigned counsel, and hereby respectfully request that this Honorable Court enter an Order, pursuant to Rules 12 (b)(1) and 12 (b)(6) of the Federal Rules of Civil Procedure, dismissing with prejudice all claims against it. In support of its motion to dismiss, moving defendant has filed simultaneously herewith a memorandum of points and authorities.

WHEREFORE, the Defendant respectfully requests that this Honorable Court enter an order dismissing Plaintiff's claims with prejudice.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Phebe S. Young
Phebe S. Young, #1043
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Attorney for Defendant Delaware
Psychiatric Center

DATE: August 5, 2005

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JIMMIE LEWIS,

Plaintiff,

v.

DR. SYLVIA FOSTER, STAFF
MEMBERS, THE DELAWARE
PSYCHIATRIC CENTER and
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Defendants.

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C.A. No. 04-1350-GMS

ORDER

AND NOW, this _____ day of _____, 2004, the Motion to Dismiss filed by The Delaware Psychiatric Center in the above-captioned matter having been duly considered, and any opposition thereto,

IT IS ORDERED that the Motion to Dismiss is granted and that judgment is hereby entered in favor of moving defendant and against plaintiff.

The Honorable Gregory M. Sleet, Judge
United States District Court

CERTIFICATE OF SERVICE

The undersigned certifies that on August 5, 2005, she electronically filed the attached Motion to Dismiss with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

Cynthia G. Beam, Esq., #2565
Reger Rizzo Kavulich & Darnell, LLP
1001 Jefferson Plaza, Suite 202
Wilmington, DE 19801

and that she caused two copies of the document to be mailed by United States Postal Service to the following non-registered participant:

Jimmie Lewis
H.R.Y.C.I.
P.O. Box 9561
Wilmington, DE 19809

/s/ Phebe S. Young
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